

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25251-25375

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 9, 1936]

25251. Adulteration of frozen canned eggs. U. S. v. The Fairmont Creamery Co. Plea of nolo contendere. Fine, \$10 and costs. (F. & D. no. 27460. I. S. no. 28343.)

This case was based on an interstate shipment of frozen canned eggs which were in part filthy, decomposed, or putrid.

On July 9, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fairmont Creamery Co., a corporation, Crete, Nebr., charging shipment by said corporation, in violation of the Food and Drugs Act, on or about March 14, 1931, from the State of Nebraska into the State of New York, of a quantity of frozen canned eggs which were adulterated. The article was labeled in part: "Fancy Fairmont's Fresh Frozen Eggs Net Weight 30 Lbs. Packed by The Fairmont Creamery Co., General Offices, Omaha, Nebr. Whole Eggs (Mixed) 272 (or 273)."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 22, 1935, a plea of nolo contendere was entered on behalf of the defendant corporation and the court imposed a fine of \$10 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25252. Adulteration and misbranding of artichoke hearts packed in oil. U. S. v. A. Giurlani & Bro. Plea of guilty. Fine, \$100. (F. & D. no. 30340. Sample nos. 172-A, 1638-A.)

This case was based on a shipment of artichoke hearts packed in oil, which were represented on the label as packed in Italian olive oil; whereas they were packed in Spanish olive oil.

On November 28, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against A. Giurlani & Bro., a corporation, San Francisco, Calif., charging shipment by said corporation, in violation of the Food and Drugs Act, on or about May 27, 1932, from the State of California into the State of Oregon, of a quantity of artichoke hearts packed in oil which were adulterated and misbranded. The article was contained in jars labeled: "Star Brand California Artichoke Hearts Packed in Star Olive Oil 'Finest imported from Italy' Net Weight 4 Ounces A. Giurlani & Bro. San Francisco, California."

The article was alleged to be adulterated in that a product, artichoke hearts packed in Spanish olive oil, had been substituted for artichoke hearts packed in Italian olive oil, which the article purported to be.

The article was alleged to be misbranded in that the statement, "Packed in Star Olive Oil Finest imported from Italy", borne on the label, was false and misleading, and in that by reason of said statement, the article was labeled and branded so as to deceive and mislead the purchaser, since the said statement represented that the oil in which the said article was packed was produced in Italy from olives grown therein; whereas in fact it was oil produced in Spain from olives grown therein.

In November 30, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*